

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492

Master Docket No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge M. David Weisman

**MOTION FOR LEAVE TO PAY MEDICAL MONITORING EXPENSES  
FROM THE SETTLEMENT FUND**

Settlement Class Counsel respectfully requests that the Court grant leave to the Program Administrator to pay Medical Monitoring Program expenses from the Medical Monitoring Fund to Garretson Resolution Group in the amount of \$395,442.03. The NCAA does not oppose this motion. In support thereof, Settlement Class Counsel states as follows:

**A. Payment of Medical Monitoring Program Expenses to Garretson Resolution Group for January 1, 2016 through March 31, 2018.**

1. Garretson Resolution Group, the Medical Monitoring Program Administrator, submitted invoices to Settlement Class Counsel for January 1, 2016 through March 31, 2018. *See* Exhibit A to Declaration of Matthew L. Garretson of Garretson Resolution Group dated June 29, 2018 (“Garretson Decl.”).

2. Pursuant to the Court’s instructions, Garretson Resolution Group has demonstrated that the costs are in line with the costs addressed in the Garretson Resolution Group Reports dated April 14, 2015 (Dkt. 161) and April 20, 2015 (Dkt. 170), except where specifically addressed. Garretson Decl., ¶¶ 7, 18-22.

3. Specifically, Mr. Garretson outlines each category of costs incurred against the projected costs as follows:

Category	Projected 2015 Estimate (Dkt 161, 170)	Current Costs (Garretson Decl.)	“Unused” Projected Costs Remaining or Amount Over 2015 Estimate	Basis for Overage (if applicable)
Program Initiation and Planning	\$152,900	\$192,635	\$39,735 over 2015 estimate.	Fees accrued for program initiation and planning exceeded GRG’s initial estimates primarily as a result of the investment of time and attention in developing – in consultation with the Medical Science Committee and the Parties – a robust communication plan for the RFP process to identify Program Locations. (Garretson Decl., ¶ 18)
Program Location Network Development	\$455,483	\$158,306 (¶ 17)	\$297,177 under 2015 estimate.	N/A
IT Configuration and Development	\$663,300	\$7,886 (¶ 17)	\$655,414 under 2015 estimate.	N/A
Payment Processing	N/A - These costs were not separately broken out.	\$11,010 (¶ 17)	N/A. While not separately broken out in the 2015 estimate, payment management and processing were planned activities for the Program and contemplated within the fixed and variable costs. These costs are not projected to proceed initial estimates. (¶ 17, 17(A), 21)	N/A
Pass Through Expenses (for consulting fee and travel/expenses for MSC Planning Meeting)	N/A	\$25,605 (¶ 17)	\$25,605 (unbudgeted)	The 2015 GRG Estimate did not include estimates of pass-through expenses. (¶ 17, 17(B), 22). Both costs are non-recurring costs.

4. In total, Garretson Resolution Group estimated total Medical Monitoring Program Costs of \$8,029,459 (based on underlying estimates of \$1,271,683 of foundational costs, \$3,166,531 of fixed costs and \$3,591,245 in variable costs). Garretson Decl., ¶¶ 10, 17, 21. Should the Court approve payment of the current Garretson Resolution Group invoice, the total amount billed and paid will equal \$395,442.03. *Id.* ¶ 6.

5. Based on the Court's instructions for an estimate as to whether the Parties are on target for meeting the previously submitted budget, Garretson Resolution Group: (1) estimates that Program Initiation and Planning activities, if approved, will be \$210,000 to \$225,000 (exceeding the initial estimate by approximately \$60,000 to \$75,000), (2) expects to meet the previously submitted budget for Program Location Network Development tasks, (3) does not currently expect IT Configuration and Development work to exceed the initial estimates, (4) believes that Payment Management and Processing fees are within the estimates of fixed and variable costs underlying the 2015 estimate and are not expected to result in an overall cost increase, and (5) expects to incur certain pass-through expenses as the 2015 estimate did not include estimates of potential pass-through expenses. Garretson Decl., ¶¶ 6, 18-22. Taking into account increased Program Initiation and Planning Costs and other pass-through costs Garretson Resolution Group would incur in the future, Garretson estimates that its total fees and expenses to administer the Medical Monitoring Program may exceed its 2015 estimate of \$8,029,459 by approximately \$100,000 to \$115,000 (1.2% to 1.4% of the initial estimate). *Id.* ¶ 22.

WHEREFORE, Settlement Class Counsel respectfully requests approval for payment of Garretson Resolution Group's invoices from the Medical Monitoring Fund in the total amount of \$395,442.03 for services performed from January 1, 2016 through March 31, 2018.

Date: August 9, 2018

Respectfully submitted,

By: /s/ Steve W. Berman

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on August 9, 2018, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman  
Steve W. Berman